IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 1450/2007

M/S VISHNU ICE CANDY UDHYOG
Vs.
AJMER VIDYUT VITRAN NIGAM LTD. & ORS.

DATE: 13.08.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. Bharat Saini for the petitioner.
Mr. Syed Saadat Ali for the respondents.

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The petitioner is having commercial electric connection. On 23.05.2005 Vigilance Checking Report was prepared and on the basis of this report, on 22.09.2005 a demand notice for a sum of Rs. 39,651.30 against penalty has been issued. It is alleged that on 06.06.2006 on the basis of the Vigilance Checking Report, another demand notice has also been issued for Rs. 1,23,217/-.

Learned counsel for the petitioner submits that this Vigilance Checking Report is prepared without inspection of the meter while sitting in the office. Further as per the meter reading, the petitioner has already deposited the amount. Thus, the action of the respondents is not only contrary to the regulations but also to the facts that the V.C.R. which is prepared is not on the basis of the meter reading.

Per contra, learned counsel appearing for the respondents submits that the petitioner has availed the alternative efficacious remedy by filing a complaint No. 304/2005 in the District Consumer Forum, Jhunjhunu which was dismissed on 23.06.2006 and later on the petitioner filed a regular civil suit No. 92/2005 with an application for temporary injunction bearing No. 75/2005 against the orders under challenge in this writ petition and the said civil suit as well as the application for temporary injunction has already been dismissed, which has not been challenged by the petitioner by filing appeal even against the order passed by the District Consumer Forum as well as rejection of the suit and application for temporary injunction by the Civil Judge and preferred the instant writ petition. Thus, the petitioner has not come with clean hands and concealed the material facts.

I have heard rival submissions of the respective parties and have also gone through the impugned notices.

Since disputed facts are raised here in this writ petition and the petitioner has already availed two alternative remedies; one before the District Consumer Forum and another before the Civil Court, therefore, he cannot invoke the writ jurisdiction by way of filing this writ petition.

Thus, I find no merit in the present writ petition since the petitioner has not come with clean hands and is guilty of suppressing the material facts.

Consequently, the writ petition fails and the same is hereby dismissed.

(K.S. RATHORE),J.

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